

Assembly Bill No. 2053

CHAPTER 275

An act to amend Section 417.2 of, and to add Section 12020.3 to, the Penal Code, relating to imitation firearms.

[Approved by Governor August 31, 2000. Filed with Secretary of State September 1, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, Wesson. Imitation firearms.

Under existing law, any person who, except as specified, sells, manufactures, ships, transports, distributes, or receives an imitation firearm, as defined, is liable for a civil fine of not more than \$10,000 for each violation. Existing law also describes certain devices, among which is a firearm containing markings provided in a specified provision of federal law, that are not included in the definition of "imitation firearm."

This bill instead would provide that in order to be a violation, the above-described activities involving the imitation firearm would have to be for commercial purposes. The bill would also provide that an imitation firearm where the coloration of the entire exterior surface of the device is bright orange or bright green, either singly or in combination, would not be subject to the above-described prohibitions.

This bill would also provide that any person who purchases, sells, manufactures, ships, transports, distributes, or receives a firearm, where the coloration of the entire exterior surface of the firearm is bright orange or bright green, as specified, is liable for a civil fine of not more than \$10,000.

The people of the State of California do enact as follows:

SECTION 1. Section 417.2 of the Penal Code is amended to read:

417.2. (a) Any person who, for commercial purposes, purchases, sells, manufactures, ships, transports, distributes, or receives, by mail order or in any other manner, an imitation firearm except as permitted by this section shall be liable for a civil fine in an action brought by the city attorney of the city or the district attorney of the county of not more than ten thousand dollars (\$10,000) for each violation.

(b) The manufacture, purchase, sale, shipping, transport, distribution, or receipt, by mail or in any other manner, of imitation firearms is permitted if the device is manufactured, purchased, sold,

shipped, transported, distributed, or received for any of the following purposes:

- (1) Solely for export in interstate or foreign commerce.
- (2) Solely for lawful use in theatrical productions, including motion picture, television, and stage productions.
- (3) For use in a certified or regulated athletic event or competition.
- (4) For use in military or civil defense activities.
- (5) For public displays authorized by public or private schools.

(c) As used in this section, “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(d) As used in this section, “imitation firearm” does not include any of the following:

- (1) A nonfiring collector’s replica of an antique firearm that was designed prior to 1898, is historically significant, and is offered for sale in conjunction with a wall plaque or presentation case.
- (2) A nonfiring collector’s replica of a firearm that was designed after 1898, is historically significant, was issued as a commemorative by a nonprofit organization, and is offered for sale in conjunction with a wall plaque or presentation case.
- (3) A device, as defined in subdivision (g) of Section 12001.
- (4) An imitation firearm where the coloration of the entire exterior surface of the device is bright orange or bright green, either singly or in combination.
- (5) An instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO₂ pressure, or spring action, or a spot marker gun.

SEC. 2. Section 12020.3 is added to the Penal Code, to read:

12020.3. Any person who, for commercial purposes, purchases, sells, manufactures, ships, transports, distributes, or receives a firearm, where the coloration of the entire exterior surface of the firearm is bright orange or bright green, either singly, in combination, or as the predominant color in combination with other colors in any pattern, is liable for a civil fine in an action brought by the city attorney of the city or the district attorney for the county of not more than ten thousand dollars (\$10,000).

